

**From:** Steve Bennett  
**To:** Microsoft ATR  
**Date:** 1/24/02 12:23pm  
**Subject:** Microsoft Settlement

To whom it may concern,

I recently had an opportunity to review the proposed settlement in the Microsoft antitrust trial. I have been developing software for Microsoft operating systems (including nearly every released version of Windows) for nearly 20 years now.

On numerous occasions going back to the Windows 95 days, I encountered issues with various Windows APIs which would have allowed software I was writing to function significantly better in the Windows environment, yet these APIs were either completely undocumented, or their documentation was incomplete. Asking Microsoft for more details on these APIs invariably failed to get that information - Microsoft always had some excuse not to release the information to us, although we've noted that certain 3rd party developers who do not directly compete with Microsoft have received such information.

Many of these APIs fell into two categories:

The first category are undocumented APIs which were part of the operating system as released, but were clearly used by Microsoft application packages.

Since these APIs were undocumented, Microsoft's applications had a clear competitive edge by using them.

The second category were APIs which were added into the operating system when installing a Microsoft application package, such as Office, or Intellimouse. These types of APIs were added into system DLLs replaced by the application package, thus enhancing the OS. It is fairly common for Microsoft to enhance their OS in this fashion, giving their own applications exclusive access to the new APIs, before later rolling them into the next OS release. Interestingly, the documentation of these APIs usually is not available until well after they are merged into the OS release, again giving their own applications a longer competitive edge.

I bring this up because, in reading through the proposed settlement, Section VI-A, it appears that it would only require Microsoft to document APIs in use between Windows and various Middleware packages, NOT those APIs which are used by Microsoft application programs. In my opinion, any settlement which fails to require Microsoft to document *\*all\** Windows and Middleware APIs being used by any Microsoft application or middleware program will be completely ineffective in preventing further abuses.

Also, I believe that the specification of what consists of Microsoft Middleware in Section VI-J and K is limited in that it does not include any mention of .Net, does not make allowance for additional types of middleware which may appear in the future, and could easily be bypassed by making name changes or changes in how version numbers are reported.

These are the most glaring problems with this settlement - there are many others I will not go into. Overall, it appears to me that this settlement as written will have little if any effect on Microsoft's future behavior, given the number of loopholes it leaves for Microsoft to slip through. Further, it makes little effort to redress the damages Microsoft has done in the past.

While I understand the desire for a settlement on this issue, I'm afraid that this is neither an appropriate nor sufficient settlement, and register my strong objections to it at this time.

Sincerely,  
Steven A. Bennett

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